

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN GARLAND, VINCENT A. BOTTALICO,
TIMOTHY A. HEATON, JOSEPH
BEVILACQUA, JOSEPH CICERO, JOSEPH
COLUMBIA, ANDREW COSTELLO, JAMES
DANIEL DALY III, VINCENT DEFONTE,
KENNETH DEFOREST, SALVATORE
DEPAOLA, BRIAN DOYLE, NATHAN EVANS,
CHRISTOPHER FILOCAMO, KEVIN GARVEY,
CHARLES GUARNEIRI, DANIEL J. OSHEA,
MARGOT LOTH, MICHAEL LYNCH, DENNIS
O'KEEFFE, BRIAN PATRICK SMITH, KURT
PFLUMM, CHRISTOPHER RAIMONDI, PAUL
SCHWEIT, JOSEPH T. JOHNSON, DAVID
BUTTON, PAUL PARR, MARK SINCLAIR,
DANIEL BAUDILLE, JOHN DREHER, THOMAS
OLSEN, GIUSEPPE ROBERT PENORO,
MATTHEW CONNOR, NICHOLAS MULLIGAN,
RANDALL SANTANA, ANTHONY PERRONE,
SCOTT ETTINGER, ANTHONY
MASTROPIETRO, RASHAAD TAYLOR,
ANTHONY RUGGIERO, JOSEPH MURDOCCA,
KEITH KLEIN, PAUL VASQUENZ, MARK
HENESY, RYAN K. HALL, JUDE PIERRE,
MICHELLE SANTIAGO, ROBERT DITRANI,
BRIAN T. DENZLER, MICHAEL MCGOFF,
OWEN FAY, JOSEPH M. PALMIERI, STEPHEN
INGUAGIATO, GEORGE J. MURPHY, JOSEPH
DEPAOLA, STEPHEN BUTTAFUCCO,
MICHAEL SAMOLIS, AINSLEY ATWELL,
JOHN COSTELLO, MATTHEW SINCLAIR,
GLENN CLAPP, MATT KOVAL, JOHN
ARMORE, ROSARIO CURTO, DANIEL STROH,
DANIEL YOUNG, FELICIA J. TSANG, KEVIN
ERKMAN, JOHN TWOMLEY, CRAIG LEAHY,
TIM RIVICCI, MICHAEL FADDA, ANTHONY C.
CARDAZONE, DAVID SUMMERFIELD,
BRENDAN MCGEOUGH, BRANDON PHILLIPS,
CHRISTOPHER INFANTE, BERNADETTE
MEJIA, JARED DYCHKOWSKI, THOMAS
FEJES, JASON CHARLES, WILLIAM JOHN
SAEZ, PHILLIP J. DARCEY, RODNEY COLON,
SEAN FITZGERALD, ROBERT YULI, on behalf

INDEX NO. 21-cv-6586

**AMENDED NOTICE OF
APPEAL**

of themselves and all other similarly situated
employees of the New York City Fire Department,
Plaintiffs,

-against-

NEW YORK CITY FIRE DEPARTMENT,
DANIEL A. NIGRO, in his official and individual
capacities, CITY OF NEW YORK, UNIFORMED
FIRE OFFICERS ASSOCIATION, LOCAL 854
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, AFFILIATED WITH THE AFL-
CIO, UNIFORMED FIREFIGHTERS
ASSOCIATION OF GREATER NEW YORK,
DISTRICT COUNCIL 37, AFSCME AFL-CIO,
HENRY GARRIDO, in his official and individual
capacities, DISTRICT COUNCIL 37, AFSCME
AFL-CIO, LOCAL 2507, DISTRICT COUNCIL 37,
AFSCME AFL-CIO, LOCAL 3621, JOHN DOE #1-
10, in their official and individual capacities; and
JANE DOE #1-10 in their official and individual
capacities,

Defendants.

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PLEASE TAKE NOTICE that all of the Plaintiffs hereby appeal to the United States Court of Appeals for the Second Circuit from the *Judgment* entered in this action on March 31, 2023, following the *Memorandum & Order* of the Honorable Kiyo A. Matsumoto, dated March 29, 2023 and entered March 29, 2023 and replaced on May 19, 2023, granting the Defendants' Motions to Dismiss in their entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and from each and every part of said judgment.

PLEASE TAKE FURTHER NOTICE that all of the Plaintiffs hereby appeal to the United States Court of Appeals for the Second Circuit from the *Memorandum And Order* of the Honorable Kiyo A. Matsumoto, dated December 6, 2021 and entered December 6, 2021, denying the Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction and from each and every part of said Memorandum and Order.

Dated: Garden City, New York
May 19, 2023

THE SCHER LAW FIRM, LLP

By: *Austin Graff*
AUSTIN GRAFF
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